

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

SEP - 8 2017

UNITED STATES OF AMERICA

v.

KOFFI B. AMEYAPOH,

Defendant.

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Case No. 1:17-MJ-410

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT  
AND ARREST WARRANT**

I, Matthew R. Schautz, a Deportation Officer with the United States Immigration and Customs Enforcement, Enforcement and Removal Operations, Baltimore Field Office, Baltimore, Maryland, being duly sworn, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I have been a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), Department of Homeland Security, in Baltimore, Maryland since 2015. I am a graduate of the United States Border Patrol Academy. I am currently assigned to the Violent Criminal Aliens Section within the High Intensity Operations Unit for ICE Enforcement and Removal Operations ("ERO") in the Baltimore Field Office. I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint charging that KOFFI B. AMEYAPOH ("AMEYAPOH"), an alien against whom a final order of removal is outstanding, by reason of being a member of any of the classes described in 8 United States Code, Section 1227(a), did connive, conspire, and take any other action, designed to prevent and hamper and with the purpose of preventing and hampering his departure from the United States, in violation of Title 8, United States Code, Section 1253(a)(1)(C). This affidavit is also submitted in support of an arrest warrant.

4. The facts and information contained in this affidavit come from my personal observations, my training and experience, as well as information obtained from other agents, witnesses, and documentation. All observations not personally made by me were relayed to me by the individuals who made them or were acquired through my review of records, documents, and other physical evidence obtained during the course of this investigation. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the government concerning this investigation.

#### **PROBABLE CAUSE**

5. On August 29, 1994, AMEYAPOH, a citizen of Togo, entered the United States through New York, New York as a non-immigrant F-1 student visitor.

6. On November 12, 2000, AMEYAPOH adjusted his status to a conditional resident alien based on his marriage to a United States citizen.

7. On June 9, 2004, AMEYAPOH's status as a conditional resident alien was terminated after his petition to remove the conditions on his residence in the United States was denied.

8. I reviewed AMEYAPOH's alien file maintained by the United States Bureau of Citizenship Immigration Services, and determined that AMEYAPOH does not have any immigration benefit, document, or status that would allow him to remain or reside in the United States legally following the termination of his conditional resident alien status.

9. On July 14, 2006, AMEYAPOH was convicted in the Circuit Court for Montgomery County, Maryland of one count of Sexual Abuse of a Minor, two counts of Rape in the Second Degree, and four counts of Sexual Offense in the Third Degree. Following these convictions, he was sentenced on September 19, 2006 to a 30 year prison term, with all but 15 years suspended.

10. On February 17, 2010, AMEYAPOH was ordered to be removed from the United States by an Immigration Judge based on his Montgomery County conviction for crimes that constituted aggravated felonies. AMEYAPOH subsequently filed an appeal with the Board of Immigration Appeals ("BIA"). On December 10, 2010, the BIA dismissed the appeal, creating a final order of removal.

11. On August 27, 2013, AMEYAPOH's Montgomery County convictions were vacated. On February 24, 2014, immigration proceedings were reopened by the BIA because AMEYAPOH's convictions were vacated.

12. Following a new trial in Montgomery County Circuit Court, on July 1, 2014, AMEYAPOH was again convicted of one count of Sexual Abuse of a Minor, two counts of Rape in the Second Degree, and four counts of Sexual Offense in the Third Degree. Subsequently, AMEYAPOH was sentenced to a total of 15 years' imprisonment, with credit for time served.

13. On November 29, 2016, AMEYAPOH was ordered to be removed from the United States by an Immigration Judge based on the termination of his conditional resident status

and his Montgomery County conviction for crimes that constituted aggravated felonies and constituted crimes of domestic violence, stalking, or child abuse. The Immigration Court denied AMEYAPOH's request for deferral of removal under the Convention Against Torture.

14. AMEYAPOH subsequently appealed the Immigration Judge's order to the BIA. On May 22, 2017, the BIA denied AMEYAPOH's appeal of his ordered removal, creating a final order of removal.

15. On August 7, 2017, ICE ERO Officers Ricketts and Lewis transported AMEYAPOH from ICE's Howard County Detention Center to Dulles International Airport ("Dulles") to carry out AMEYAPOH's removal. AMEYAPOH was to be removed from the United States on a commercial flight, Ethiopian Airlines flight 501 from Dulles to Addis Ababa, Ethiopia.

16. While exiting the Officers' vehicle on the top floor of the hourly parking garage at Dulles, in the Eastern District of Virginia, AMEYAPOH stated, "I am not going back to Togo. You will be shipping a dead body back to Togo. ... I would rather die than to go back to Togo." He further stated "I am going to make a commotion at the terminal, so the Marshals can shoot me because I would rather die than go back to Togo."

17. While in full restraints, AMEYAPOH attempted to run toward the railing of the parking structure. Because the Officers believed AMEYAPOH planned to jump over the railing of the parking garage, they tackled him to the ground to prevent him from doing so. ICE Officers then returned AMEYAPOH to their vehicle.

18. Officers then drove AMEYAPOH to Dulles Arrival Door #1 where ICE Customs and Border Protection ("CBP") Officers Santiago and Caride assisted with removing AMEYAPOH from the vehicle and taking him into the terminal.

19. Once inside the terminal, AMEYAPOH continued to resist CBP Officers by refusing to walk and throwing himself onto the floor. Officers heard AMEYAPOH state, among other things, "I'm not leaving" and "I'm not going back."

20. CBP Officer Ulloa arrived on the scene and attempted to assist Officers Santiago and Caride with taking AMEYAPOH to a holding cell in the Federal Inspection Station inside Dulles.

21. While en route to the holding cell, AMEYAPOH again resisted by refusing to walk, and by thrashing, and attempting to break free from the Officers, causing them to fall to the ground.

22. Additional CBP Officers arrived on the scene and assisted with carrying AMEYAPOH to a holding cell, and it was determined that it was no longer safe for Officers to continue the removal.

23. AMEYAPOH was returned to the ICE vehicle and transported back to the Howard County Detention Center, where he is currently located.

24. CBP Officers Santiago and Ulloa sustained minor injuries during the incident, including bruising, swelling, and abrasions to the arms. CBP Officer Ulloa also sustained a broken toe during the incident.

25. At the time of the incident, the ICE ERO and CBP Officers involved were officers or employees of the United States and were engaged in their official duties.

### CONCLUSION

26. Based on the foregoing, I respectfully submit that there is probable cause to believe that on August 7, 2017, at Dulles International Airport, in the Eastern District of Virginia, KOFFI B. AMEYAPOH, an alien against whom a final order of removal is outstanding, by reason of being a member of any of the classes described in 8 United States Code, Section 1227(a), did connive, conspire, and take any other action, designed to prevent and hamper and with the purpose of preventing and hampering his departure from the United States, in violation of 8 U.S.C. § 1253(a)(1)(C).

MB #7017

Matthew R. Schautz  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me on the 8th day of September, 2017.



/s/\_\_\_\_\_  
Theresa Carroll Buchanan  
United States Magistrate Judge

THE HONORABLE THERESA C. BUCHANAN  
UNITED STATES MAGISTRATE JUDGE